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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

JOHANNA T. CARFAGNO,

Debtor.

Case No. 24-22948

Chapter 11

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**MOTION FOR ORDER TO AUTHORIZING DEBTOR'S SON TO ACT ON BEHALF
OF DEBTOR AS "NEXT FRIEND"**

**TO: THE HONORABLE JUDGE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE**

Bronson Law Offices, P.C. (the "Firm") on behalf of Johanna T. Carfagno, the above-referenced debtor (the "Debtor"), hereby filed this Motion for an Order Appointing the Debtor's Son Ralph Carfagno as Next Friend on Behalf of Debtor (the "Motion") and in furtherance thereof, respectfully sets forth and alleges:

1. This case was commenced by the filing a Voluntary Petition under Chapter 11 of the Bankruptcy Code with the Clerk of this Court on October 29, 2024 (the "Filing Date").
2. The Debtor has been in poor health for some time. The Debtor's son Ralph Carfagno is her power of attorney and manages her financial affairs.

3. The Debtor is not in a condition where she can actively manage her finances and participate in her bankruptcy case. As described in the affidavit of Ralph Carfagno attached as “**Exhibit A**”, he is the Debtor’s caretaker.
4. Mr. Carfagno has had a power of attorney for the Debtor for almost two years, which is attached as “**Exhibit B**” and he is fully aware of all of her financial affairs.
5. Federal Rule of Bankruptcy Procedure 1004.1 provides the Court may appoint a representative of the Debtor as the next friend when the Debtor lacks the competence to actively participate in their bankruptcy.
6. The attached affidavit of Mr. Carfagno addresses questions asked by other Bankruptcy Court’s with respect to approving these types of motions. *In re Lane*, No. 12-36873-el7, 2012 Bankr. LEXIS 5038 (Bankr. D. Or. Oct. 25, 2012). For example, Mr. Carfagno is not receiving any compensation for acting as the Debtor’s next friend.
7. Additionally, notice of this motion will be given to the Debtor’s other closest living relatives, her other children who agree with allowing Mr. Carfagno to act as the Power of Attorney and Next Friend for their mother.

WHEREFORE counsel on behalf of the Debtor respectfully requests that the Court authorize Ralph Carfagno as appointed Next Friend, and to act as necessary to further the Debtor’s bankruptcy filing.

Dated: December 19, 2024,
Harrison, New York

BRONSON LAW OFFICES, P.C.

/s/ H. Bruce Bronson
H. Bruce Bronson, Esq.